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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,589	12/05/2001	Stephen C. Heinrichs	SCH 102	4260
7590	06/07/2004		EXAMINER	
William Weigl 1805 Conwood Dr. Troy, OH 45373			CHIN, PAUL T	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/002,589	HEINRICHS, STEPHEN C.
	Examiner	Art Unit
	PAUL T. CHIN	3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4,7-12 and 16-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4,7-12 and 16-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

1. The amendment filed March 26, 2004 and the arguments presented therewith have been carefully considered but they are not persuasive. Due to a new reference (a secondary reference) applied in the rejection, a non-final office action follows as below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,4 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by **Brown (4,045,072)**.

Brown (4,045,072) discloses a unitary strap of flexible belting material, comprising a plurality of loops extending outwardly from a central area, the loops being secured to each other by attaching means (33), a pair of first loops (31A-E) (Fig. 2) equal length extending outwardly in a first direction from the central area, and a pair of second loops (see Fig. 2) extending outwardly from the central area in a direction opposite to the pair of first loop.

Re claim 4 and 18, Brown's strap (4,045,072) shows a first continuous strap having one first loop and one second loop and a second continuous strap having the other first loop and the other second loop wherein the inner strap is smaller than the outer strap. It is pointed out that Brown's strap contains all the structural elements as recited in the above

claims while the intended use (i.e. *for securement to discrete said bodies from said remote end*) is not patentably significant.

4. Claims 1,2,4, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by **Norton (3,290,083)**.

Norton (3,290,083) discloses a unitary strap of flexible belting material, comprising a plurality of loops extending outwardly from a central area, the loops being secured to each other by attaching means (9,11), a pair of first loops (7,7) (Fig. 12) equal length extending outwardly in a first direction from the central area, and a pair of second loops (30,31) (Fig. 12) extending outwardly from the central area in a direction opposite to the pair of first loop.

Re claims 4 and 18, Norton (3,290,083) shows a first continuous strap (7,30) (Fig. 12) having one first loop and one second loop and a second continuous strap (7,31) having the other first loop and the other second loop wherein the inner strap is smaller than the outer strap.

5. Claims 1,2,4,8,10, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by **Otley (2,985,480)**.

Otley (2,985,480) discloses a unitary strap of flexible belting material, comprising a plurality of loops extending outwardly from a central area, the loops being secured to each other by attaching means (see Figs. 1-3), a pair of first loops (10) equal length extending outwardly in a first direction from the central area, and a pair of second loops

(12) extending outwardly from the central area in a direction opposite to the pair of first loop.

Re claims 4 and 18, Otley (2,985,480) shows a first continuous strap (Fig. 8) having one first loop and one second loop and a second continuous strap having the other first loop and the other second loop wherein the inner strap is smaller than the outer strap.

Re claims 8 and 10, Otley's strap (2,985,480) shows a single continuous belt (see Figs. 1-3,6, and 7) providing two equal loops.

6. Claims 1,4,8-11, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by **Colombet (the France WO 98/01188)**.

Colombet (the France WO 98/01188) discloses a unitary strap of flexible belting material, comprising a plurality of loops extending outwardly from a central area, the loops being secured to each other by attaching means (see Fig. 2), a pair of first loops (21,18) substantially equal length extending outwardly in a first direction from the central area, and at least one second loops (17) extending outwardly from the central area in a direction opposite to the pair of first loop.

Re claims 4 and 18, Colombet shows a first continuous strap (Fig. 8) having one first loop and one second loop and a second continuous strap having the other first loop and the other second loop wherein the inner strap is smaller than the outer strap.

Re claims 8 and 10, Colombet shows a single continuous belt (see Figs. 1-3,6, and 7) providing two equal loops.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (4,045,072) in view of Lyon, Jr. (5,833,292).

Brown's strap (4,045,072), as presented in section 3 above, does not show each strap has different color.

However, Lyon, Jr. (5,833,292) shows colored coded straps (see Col 4, lines 15-21) for identification. Accordingly, it would have been obvious design choice to those skilled in the art to provide the desired color, which is well-known in the art, on the Brown's strap (4,045,072) as taught by Lyon, Jr. (5,833,292) to identify the loop by color.

9. Claims 12,16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (4,045,072) or Norton (3,290,083) or Otley (2,985,480).

Brown's strap (4,045,072), as presented in section 3 above, or Norton's strap (3,290,083), as presented in section 4 above, or Otley (2,985,480), as presented in section 5 above, does not show the detailed dimension of the strap (i.e. the length and width of the strap: such as 3 1/2 inches width or 2 inches width, the ratio lengths of the first and second loops are to be between 2:1 and 6:1, and between 20 to 36 inches). However, it would have been obvious design choice to those skilled in the art to provide the desired

dimension of the strap (depending on the application) on the Brown's strap (4,045,072) or Norton's strap (3,290,083) or Otley (2,985,480) to meet the application.

Re claim 17, Brown's strap (4,045,072) or Norton's strap (3,290,083) or Otley (2,985,480), does not show the strap being folded for carrying and it also would have been obvious design choice to those skilled in the art to fold the strap and carry the strap for storage or transportation.

10. Claims 12,16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colombet (the France WO 98/01188).

Colombet (the France WO 98/01188), as presented in section 6 above, does not show the detailed dimension of the strap (i.e. the length and width of the strap: such as 3 ½ inches width or 2 inches width, the ratio lengths of the first and second loops are to be between 2:1 and 6:1, and between 20 to 36 inches). However, it would have been obvious design choice to those skilled in the art to provide the desired dimension of the strap (depending on the application) on the Colombet's strap to meet the application.

Re claim 17, Colombet's strap does not show the strap being folded for carrying and it also would have been obvious design choice to those skilled in the art to fold the strap and carry the strap for storage or transportation.

Response to Arguments

11. The amendment filed March 26, 2004 and the arguments presented therewith have been carefully considered but they are not persuasive.

In response to applicant's argument that the strap is "for securement to discrete said bodies from said remote end", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Therefore, the straps from Brown (4,045,072) or Norton (3,290,083) or Otley (2,985,480) or Colombet (the France WO 98/01188), as presented in sections 3-10 above, meets the structural limitation as recited in above claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PAUL T. CHIN
Examiner
Art Unit 3652

